

## **REMARKS**

Reconsideration is respectfully requested.

### **I. Status of the Claims**

Claims 1, 3, 5, 11 and 13 - 19 are currently pending, with claims 2, 4, 6 - 10 and 12 having previously been canceled.

Applicants amend claims 1, 14 and 17. No new matter is added. Support for the amendments may be found, for example, with reference to Applicants' specification at page 23, line 23 through page 28, line 22, and with reference to Applicants' FIGs. 10 - 13.

### **II. Rejection under 35 U.S.C. § 103**

Claims 1, 3, 5, 11 and 13 - 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,891,126 to Osborn, III et al. ("Osborn"). Applicants amend claims 1, 14 and 17 to further clarify the nature of their invention, and respectfully traverse the rejections of claims 1, 3, 5, 11 and 13 - 19 under 35 U.S.C. §103(a).

In amended independent claim 1, Applicants claim:

1. An interlabial pad with a size, weight, and flexibility capable of being held between labia by a part or the whole portion of the interlabial pad naturally therebetween, having a first axis that is substantially parallel to an anteroposterior axis of a wearer, and a second axis which is included in a horizontal plane when the wearer is standing and perpendicular to the first axis, comprising:

an absorbent body for absorbing body fluid, the absorbent body having a shape selected from the group consisting of elliptical-planar shapes, gourd-planar shapes and tear drop-planar shapes, the absorbent body having a plurality of bending elements each including a slit formed on a surface of the absorbent body, the bending elements each being provided in a prescribed position of the

absorbent body with a lower bending strength compared to positions other than the prescribed position;

a plurality of first bending element pieces, each first bending element piece extending for a first prescribed length in a direction that is substantially parallel with the first axis, and the plurality of first bending element pieces including:

- i) first bending element pieces having the slit positioned along the center line of the absorbent body in parallel with the first axis,
- (ii) first bending element pieces having the slit arranged to reach a first peripheral edge of the absorbent body, and
- (iii) first bending element pieces having the slit positioned between the center line of the absorbent body and a second peripheral edge of the absorbent body;

a plurality of second bending element pieces, each second bending element piece extending for a second prescribed length that is substantially parallel with the second axis, and the plurality of second bending element pieces including:

- i) second bending element pieces having the slit positioned to cross the center line of the absorbent body,
- (ii) second bending element pieces having the slit arranged to reach the [[a]] second peripheral edge of the absorbent body, and
- (iii) second bending element pieces having the slit positioned between the center line of the absorbent body and the second peripheral edge of the absorbent body; and

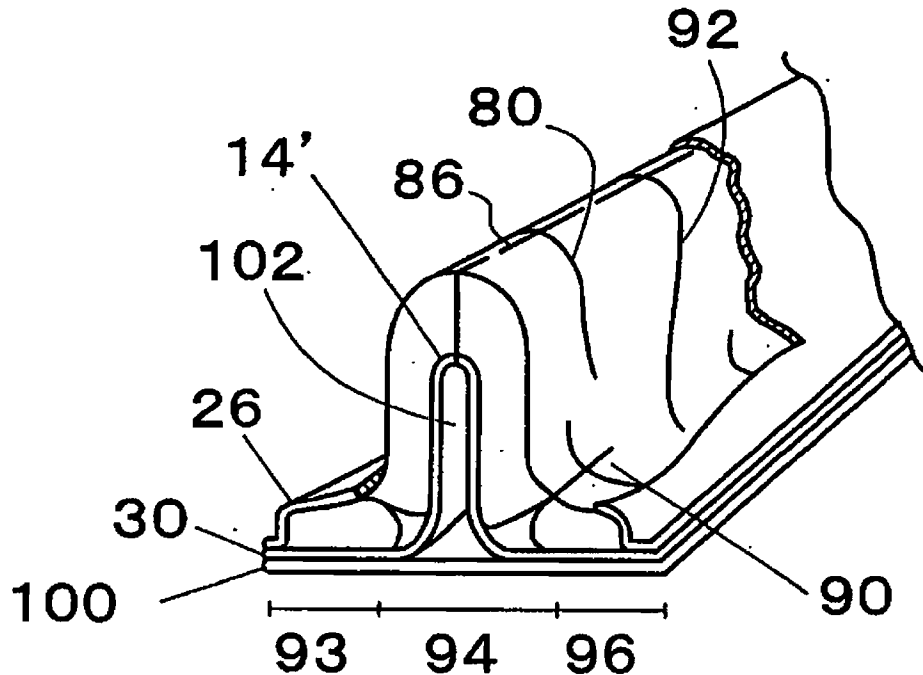
a covering material having a body side face facing a body side and an opposite side face facing away from the body side, the covering material enclosing [[encloses]] the absorbent body while maintaining an effect of the bending elements, the covering material defining a main form of the interlabial pad, wherein a surface of the covering material is not provided with slits,

wherein each of a plurality of first crossover points is formed from one of the plurality of first bending element pieces having the slit positioned along the center line and one of the plurality of second bending element pieces positioned to cross the center line, and each of a plurality of second crossover points is formed from one of the plurality of first bending element pieces having the slit positioned between the center line and the second peripheral edge and one of the plurality of second bending element pieces having the slit positioned between the center line of the absorbent body and the second peripheral edge of the absorbent body, and

wherein the absorbent body is folded in two along the centerline being at the first crossover points to form a long protrusion part so that portions of the opposite side face are positioned to face each other and extension parts extend laterally from the long protrusion part at the second crossover points.

Osborn discloses an absorbent interlabial device having a body-contacting surface that is pre-moistened or pre-treated with an emollient to prevent drying of the contacted body tissue (see, e.g., abstract of Osborn). With reference to FIG. 4 of Osborn, the interlabial device 20 includes an absorbent body 22 and topsheet 42 which at least partially encloses absorbent body 22.

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The Examiner notes that Osborn discloses at Col. 15: 19 - 22 that the interlabial device may have slits to promote easier bending of the interlabial device:

The absorbent interlabial device 20 may also be constructed with a plurality of slits in the main absorbent portion 22 so as to permit bending of the product in multiple independent directions. Such a structure allows the product to more easily respond to the stresses associated with body movements. As shown in FIG. 12, in preferred versions of any of the embodiments shown in the prior drawing figures, the upper corner portions 26A and the lower corner portions 28A of the interlabial device 20 may be rounded to reduce the forces that the product transfers to the wearer's body when the wearer sits down. The top surface of the structure may also have one or more slits or have other regions of preferred bending so that product may easily adjust to the vertical pressure against the pelvic floor, to help accommodate the non-linear surface of the pelvic floor between the clitoris and the perineum.

(Emphasis added).

Osborn generally describes the use of slits in the absorbent body to permit bending, and makes specific reference to slits for adjusting a top surface of the interlabial device to a wearer's

pelvic floor.<sup>1</sup> Applicants respectfully submit that Osborn however fails to teach or suggest the specific first and second “crossover point” geometry claimed by Applicants. In particular, Applicants submit that Osborn nowhere teaches or suggests a geometry in which one or more slits are arranged to cross each other, and does not teach or suggest that such crossover points are arranged both along a center line of the interlabial device and between the centerline and a peripheral edge of the interlabial pad.

The Examiner acknowledges that Osborn fails to explicitly teach the arrangement claimed by Applicants. However, the Examiner suggests that Applicants have failed to demonstrate that the configuration as claimed is “critical” in the sense that “[a] change in [an] inherent property of the claimed pad is altered as a direct result of arranging the bending elements [in the claimed configuration].” The Examiner further suggests that “there is no material difference between the [claimed arrangement] and the general placement of a plurality of slits taught by Osborn.” Applicants respectfully disagree.

Osborn nowhere teaches or suggests a plurality of slits arranged in Applicants’ claimed crossover point configuration. Applicants describe the significance of this configuration at page 25, lines 16 - 24 of the specification:

With such a structure, even when the vestibule floor changes in form by being forced down with such motions as the wearer sitting down on a chair, the downward compressive force can be easily converted into multidirectional compressive force starting from the intersecting points of a lengthwise and breadthwise bending elements, which will reduce the foreign feeling to the wearer. If slit-processing the bending elements, the shape deformation is caused so as to separate from the bending element to the downward direction of the absorbent body, and so the deformation is easily caused more to the lower compression force.

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<sup>1</sup> The Examiner acknowledges that, in sharp contrast to Applicants’ claimed interlabial pad, Osborn describes these slits as being provided in a topsheet 42. The Examiner however asserts that, in order to adjust to vertical pressure on the pelvic floor, such slits would have to be provided in the absorbent body 22 as well.

(Emphasis added)

In other words, by providing bending elements comprising slits arranged in the claimed crossover point configuration, Applicants' claimed interlabial pad is effective to convert and effectively dissipate a downward compressive exerted by the vestibular floor in the vicinity of the bending elements having a crossover point configuration as a multidirectional compressive force directed away from the crossover points, thereby reducing discomfort as experienced by the wearer. Applicants respectfully submit that conversion of the applied compressive force into a multidirectional compressive force of lesser effect is a result achieved directly by the claimed crossover point configuration which is materially different from results achieved from any "general placement" of slits as bending elements on the interlabial pad. Applicants therefore further submit that the claimed crossover point configuration is a critical result effective variable that is neither taught nor suggested by Osborn.

For at least these reasons, Applicants respectfully submit that amended independent claim 1 is not anticipated or made obvious by Osborn, and stands in condition for allowance. As amended independent claim 17 claims a method of adjusting the form flexibility of an interlabial pad having bending elements configured in a crossing point configuration, Applicants submit that amended independent claim 17 is also allowable for at least these reasons.

Claims 3, 5, 11, and 13 - 16 and claims 18 and 19 respectively depend from allowable independent claims 1 and 17. For at least this reason, Applicants further submit that dependent claims 3, 5, 11, 13 - 16, 18 and 19 are also allowable.

Applicants therefore respectfully request that the rejections of claims 1, 3, 5, 11 and 13 - 19 under 35 U.S.C. § 103(a) be withdrawn.


**CONCLUSION**

In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

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